

**9.1 PANEL REPORT
PLANNING SCHEME AMENDMENT C182GLEN
FORMER ABC TV STUDIOS, 8 GORDON STREET, ELSTERNWICK**

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Attachments:

1. Glen Eira C182 Panel Report
2. Glen Eira C182 Statement of Significance - 16 July 2019
3. Glen Eira C182 Citation 16 July 2019
4. Glen Eira C182 Planning provision clause 43.01 with tracked changes
5. Former ABC TV Studios, 8 Gordon Street, Elsternwick Incorporated Plan 16 July 2019
6. Glen Eira C182 Planning provision clause 72.04 with track changes

PURPOSE AND SUMMARY

To consider the independent Panel Report received in relation to a Planning Scheme Amendment which seeks to apply a Heritage Overlay over the former ABC TV Studios, 8 Gordon Street, Elsternwick.

The Amendment proposes to make changes to the relevant planning scheme ordinances and maps and to introduce an incorporated document to support the application of a Heritage Overlay.



RECOMMENDATION

That Council:

1. notes the report and recommendations of the Panel in relation to Amendment C182glen;
2. adopts Amendment C182glen generally in accordance with the recommendations of the Panel and in accordance with the attached documents;
3. includes within the Amendment documentation an additional Incorporated Document titled: *Former ABC TV Studios, 8 Gordon Street, Elsternwick Incorporated Plan, July 2019; and*
4. forwards Amendment C182glen to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*.
5. authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning and the Department of Environment, Land, Water and Planning, where the changes do not affect the purpose or intent of the Amendment.

BACKGROUNDAuthorisation and Exhibition:

On 14 August 2018, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C182glen.

Authorisation was granted on 3 October 2018.

The Amendment was formally exhibited from 15 November to 17 December 2018. Public exhibition involved:

- 251 notices posted to owners and occupiers in the surrounding area, as well as referral authorities, the National Trust and the ABC.
- Two notices in local newspaper (Caulfield/Glen Eira and Moorabbin Leader)
- A notice in The Age
- A notice in the Government Gazette
- Amendment documentation available on Council's website

Submissions received:

Ten submissions were received (three objections, four in support and three referral authorities expressed no objection).

Submissions can be summarised as follows:

- the site does not demonstrate the heritage values at a level to warrant inclusion on any heritage register;
- the Heritage Overlay would prevent building re-use, compromise residential development, strategic housing and open space outcomes;
- the industrial and commercial appearance of the buildings are unsuited to a residential area;
- the transmission tower may be structurally unsound; and
- the costs of preserving the site's buildings.

On 26 February 2019, Council resolved to request a planning panel consider submissions in accordance with Section 23 of the *Planning and Environment Act 1987*.

The Panel Hearing took place over two days on 29 and 30 April 2019, and was attended by Council staff and legal representation. Two submitters appeared at the hearing including

officers of the ABC and their legal representation and the National Trust. Council called two heritage witnesses and the ABC called two heritage witnesses and a planning witness to provide expert advice to the Panel.

The Panel Report was received by Council on 14 June 2019 and can be found in full as an attachment to this report (Attachment 1). The Panel concluded:

“...that it is appropriate to apply the Heritage Overlay (HO156) to the site to recognise its local cultural heritage significance and to support the use of internal controls, external paint controls and prohibited uses permitted provisions of the proposed Heritage Overlay Schedule. Tree controls are not supported without further arboricultural assessment” (pg. ii).

The Panel assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the *Glen Eira Planning Scheme*.

The primary test applied by the Panel was whether the heritage values of the site satisfied one or more of the Council National Heritage Convention Criteria (HERCON) as set out in *Planning Practice Note 1 (Applying the Heritage Overlay)*. There are eight HERCON criteria for heritage significance and a site needs to satisfy only one criterion to be considered worthy of a Heritage Overlay. The exhibited Statement of Significance proposed the site satisfied six out of eight criteria. The Panel found that the site satisfies or is likely to satisfy four criteria and therefore meets the threshold for local heritage significance. Criteria found to be satisfied includes Criteria A (historical significance), Criteria B (rarity), Criteria D (representativeness) and Criteria E (aesthetic significance).

The Panel noted:

“While the application of the Heritage Overlay will have some impacts on the extent of future site development and potential dwelling yield, the economic impacts are confined to the site, are likely to be short term and will be off-set by the longer-term social benefits of preserving part of Glen Eira’s cultural history. The Amendment would not remove the ability for the site to be redeveloped or contribute to housing supply and diversity of the Elsternwick Urban Village or for other policy objectives in the Glen Eira Planning Scheme to be achieved”. (pg. ii)

ISSUES AND DISCUSSION

Following the release of the Independent Panel Report, the next step for Council is to formally consider the panel report and to resolve whether to adopt (with or without changes), or abandon, Amendment C182glen. If adopted, the Amendment will be forwarded to the Minister for Planning for approval. The Minister for Planning has the authority to approve (with or without changes) or abandon the Amendment.

Considering the Panel Recommendations:

The exhibited citation and Statement of Significance stated that the subject site satisfied HERCON Criteria A (historical significance), B (rarity), E (aesthetic significance), F (technical significance), G (social significance), and H (associative significance). Council’s second heritage witness, who carried out a peer review of the Heritage Citation and Statement of Significance provided evidence at the Panel Hearing that the site also satisfied Criterion D (representativeness). The Panel discussed each of these Criteria in the Panel Report and found that the site satisfied Criterion A, B, D and E. The subject site, having satisfied four criteria, was considered to be of cultural heritage significance to the City of Glen Eira.

In relation to Criterion A (Historical Significance)

“The Panel considers the Gordon Street studios have a clear association with the development of television in Victoria during the 1950s in both the external design of the buildings, the transmission tower and the internal arrangements of spaces around the studios which lie at the heart of the building. While much of the lighting and electrical equipment has been removed from the studios, the spatial arrangement of the studio spaces (floor to ceiling height, lighting hangers and wall lining and remaining fixtures) and their relationship to the control room is tangible and requires little explanation to understand what went on there”. (pg. 23)

There were a number of parts of Council's submission that the Panel did not agree with. It did not agree with Council in relation to importance of the site's associations with the Jones family; the legal battle over land acquisition from Rippon Lea; the establishment of heritage conservation and advocacy movement or the formation of the National Trust to warrant heritage significance on this aspect alone.

Council officers agree with the Panel's recommendation to amend the Citation and Statement of Significance to remove these statements in the relevant documents.

In relation to Criterion B (Rarity):

“The Panel considers that, as an example of an industrial building applying the International modern style, the stage 2 and 3 buildings are significant in the context of Glen Eira which has limited or no identified examples of this building style. The association of these industrial buildings with the early establishment of television production and elements such as the transmission tower reinforce this significance”. (pg. 24)

In relation to Criterion D (Representativeness):

Council's second expert witness, Mr Bruce Trethowan, suggested that the site complied with Criterion D in that the *'building demonstrates in a superior way the characteristics of the television studio dating to the pioneering years of television in Australia'*. The Panel concluded:

“While there are other operating television studios like Southbank Centre in Melbourne and these sites have similar studio spaces and support areas that can be observed, they are not associated with the early beginnings of television in Victoria. In this regard, there is a case to be made that they have at least local level significance as a representation of this class of building in Glen Eira as well as an example of building design of the Commonwealth Department of Works from the 1950s and 1960s”. (pg. 25)

Council officers agree with the recommendation to amend the Citation and Statement of Significance to include information in relation to Criterion D provided by Council's expert witness in their statement.

In relation to Criterion E (Aesthetic Significance):

“The Panel relies on the evidence of Mr Wixted and Mr Trethowan and considers that the building has a level of aesthetic significance attributed to the International style which is likely to be unique in the municipality”. (pg. 26)

In relation to Criterion F (Technical Significance):

The Panel found there was insufficient evidence of significant technical achievement to meet Criterion F.

Council officers agree with the recommendation to amend the citation and statement of significance to remove these statements in the relevant documents.

In relation to Criterion G (Social Significance):

“While the place has a level of secondary significance for former staff, actors and sections of the community, the Panel considers on balance that the Criterion G threshold has not been satisfied”. (pg 29)

Council officers agree with the recommendation to amend the citation and statement of significance to remove these statements in the relevant documents.

In relation to Criterion H (Associative Significance):

The Panel considered that the site did not satisfy Criterion H. The Panel acknowledged a secondary relationship with the storey of Rippon Lea and Mrs Jones. The Panel was also not satisfied with the information regarding associative significance with Oscar Gimsey and Sir Charles Moses (which was introduced through the expert witness statement for Council) in terms of satisfying this criterion, though recommended that the information regarding Oscar Gimsey (the architect) be included in an amended Statement of Significance and Citation.

Council officers agree with the recommendation to amend the Citation and Statement of Significance to remove these statements in the relevant documents.

Considerations in relation to this Amendment

The Panel concluded that the ABC Gordon Street studios has a local level of heritage significance that supports applying the Heritage Overlay. In considering whether the Heritage Overlay should be applied, the issues to consider are whether the application of the Heritage Overlay will impact on the achievement of other strategic objectives of the *Glen Eira Planning Scheme* and whether it will have negative social and economic impacts.

Council officers consider that on balance, the Heritage Overlay will not have significant negative social and economic impacts on the area. It is noted that the application of the Overlay will impact development opportunities for this site. However, it does not prohibit development. It is therefore considered that there is future potential development opportunities (albeit possibly more limited) on this site and that potential development will fulfil the strategic objectives within the existing *Glen Eira Planning Scheme* (the Urban Villages Policy) as well as Council’s proposed *Elsternwick Structure Plan* which nominates this property as a Strategic Site for employment purposes, potentially associated with creative industries and open space as well as for delivering mixed use, housing diversity outcomes alongside other strategic sites.

“The Panel considers that the level of analysis required should relate to what is being proposed by the Amendment. In this case, the Amendment applies to a single site and not a wider area and the impacts are confined to the site. Council has acknowledged that the Heritage Overlay will restrict site development but has also articulated an understanding that the site’s use and level of development will change as acknowledged in Clause 22.05 (Urban Villages Policy) and the Structure Plan”. (pg. 37)

“The Panel further notes that the submissions of Council and the National Trust acknowledged that the Amendment was focused on providing a mechanism that recognised the heritage significance of the place and provided a way to manage its development and future use in an appropriate way. Council’s approach to the Amendment has not been to lock the site away from future development. The submissions of Council and the National Trust identified that the site would change in response to growth and the evolving Elsternwick Urban Village Strategy”. (pg. 38)

The Panel recommends the Amendment be adopted as exhibited subject to the following:

1. Amend the Statement of Significance under ‘What is Significant’ to:
 - a) Include in the first dot point after the words ‘transmission tower’ the words ‘and for the purpose of paint controls, its original colour’.

- b) Include as significant elements in dot point 2, the roof of the stage 2 building and stage 3 building to a minimum depth of 10 metres from significant facades of those buildings.
 - c) Replace dot point 3 with a new description of the significant internal areas that is included in the Document 22 version of the Statement of Significance, along with the inclusion of new 'Areas of Significance' diagrams that identify rooms and spaces of primary and contributory significance at different building levels.
 - d) Replace the fourth dot point relating to important elements of the studios with the following revised wording:
 - *'The important elements of the studios include the soundproofing, lighting hanging boards and the relationship between the studio floor and the master control room above.'*
2. Amend the Statement of Significance and Heritage Citation be updated to reflect:
- a) Mr Wixted's evidence regarding Oscar Gimsey.
 - b) Mr Trethowan's evidence that the Gordon Street studios satisfy Criterion D.

Further to this, the Panel encourages Council to:

- make further changes to the Statement Significance in response to the Panel's discussion and conclusions relating to Criterion A and the site's relationship with Rippon Lea and the Jones family;
- work closely with the ABC or future land owners to develop a Conservation Management Plan; and
- develop site-specific Heritage Overlay permit exemptions. These could include exemptions for external painting and internal alterations and other minor works and be included in the Heritage Overlay Schedule as an incorporated document.

All recommendations made by the Panel are considered reasonable, however minor changes to the wording of the Citation and Statement of Significance are considered warranted to ensure clarity for future owners or developers of this site. In particular, reference within these documents to the site being of State or National significance has been removed and the description of stages of building construction throughout the site have been amended to reflect new evidence that was provided at the Panel hearing. The relevant documents have been amended accordingly and changes that vary from the Panel recommendations are discussed below.

See Attachment 2: Statement of Significance for the subject site,

Attachment 3: Citation for the subject site,

Attachment 4: Revised Schedule to the Heritage Overlay (Clause 43.01)

Attachment 5: *Incorporated Plan for the Former ABC TV Studios, 8 Gordon Street, Elsternwick Incorporated Plan July 2019* (Planning Permit Exemptions)

Attachment 6: *Revised list of Incorporated Documents (Schedule to Clause 72.04)*

An explanation of the changes is included below:

The application of internal controls, external painting controls and allowance of prohibited uses

Internal heritage controls have been proposed for the site (a planning permit will be required for alterations and additions to the interior of the building). It is considered essential to the

understanding of the cultural heritage significance of the site that internal controls are applied to the areas of primary significance and this has been confirmed by the Panel. During the Panel, discussion was had around creating more clarity in relation to internal controls and a revised Statement of Significance was prepared and submitted to Panel (known as Document 22). Council officers agree with the Panel recommendation 1(b), 1(c) and 1(d). This will result in a clearer explanation of what internal areas are significant. It is also considered appropriate to insert a series of plans of each floor of the building which clearly indicate the internal areas of significance that are nominated in the Panel recommendation.

Paint controls are proposed to be limited to the transmission tower only, as the majority of the buildings on site are currently unpainted (and the planning permit is only required to paint a previously unpainted surface). The Panel's recommendation 1(a) proposes to make clear that the paint controls on the transmission tower are proposed to retain its original colour. This is considered acceptable.

The exhibited Statement of Significance indicates facades of primary and contributory significance together with significant and contributory internal areas highlighted. A simplified plan indicating external areas of primary and contributory significance is proposed to be inserted in to the Statement and Citation. In addition, the plan showing external areas of significance will also indicate a 10m strip of roof along the front of the curtain wall façade of the main building. This provides a visual representation of Panel recommendation 1(b) which creates a 10-metre setback to front façade of the stage 2 and 3 buildings to ensure protection of both the façade and creation of a depth to these significant buildings.

Other changes to the Statement of Significance and Heritage Citation

The revised documents at Attachments 2 and 3 include the Panel recommended updates to include evidence regarding Oscar Gimsey (architect of the ABC Studios) and Mr Trethowan's evidence in relation to the satisfaction of Criterion D. Information relating to Louise Jones, Rippon Lea and the National Trust has been removed under the heading of Criterion A in both documents and information relating to the satisfaction of Criterion F, G and H has also been deleted.

Other minor wording change to Attachments 2 and 3 have been made to remove reference to the site being of State, National and Commonwealth significance. It is considered that the proposed changes to the Citation and Statement of Significance are in keeping with the recommendations of the Panel.

Creation of a list of permit exemptions for the ABC Site

Council officers agree with the Panel that the creation of a separate Incorporated Document that creates exemptions for various planning requirements for the subject site is required to ensure unnecessary planning permits are not triggered (Attachment 5). The application of paint controls and internal controls will apply to all external painted surfaces and all internal areas despite the specific noting of elements of importance within the Statement of Significance unless such a document is created and incorporated. A separate list of exemptions is required to be provided as an Incorporated Document. This document exempts all other external areas previously painted surfaces from paint controls, all internal areas not noted in the Statement of Significance from the requirement for a planning permit for alterations.

The creation of this document requires minor amendments to both the Schedule to the Heritage Overlay at Clause 43.01 and the Schedule to Clause 72.04 (Incorporated Documents) – Refer Attachments 4 and 6.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource, risk and asset management implications.

POLICY AND LEGISLATIVE IMPLICATIONS

Planning Scheme Amendment Process

The Planning Scheme Amendment must go through the following fixed statutory steps:

1. The Minister for Planning must firstly authorise preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions.
2. If there are no submissions Council can 'adopt' the amendment and forward it to the Minister for approval. It only becomes law if it is formally approved and gazetted.
3. If there are submissions opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitters' request, or request the Minister to appoint an Independent Panel to hear the submissions.
4. If a Panel is appointed, submissions are heard, and the panel reports its findings in the form of a recommendation to Council.
The Panel may make a recommendation to:
 - adopt the amendment
 - abandon the amendment
 - modify the amendment
5. Council then considers the panel report and makes its own decision. Council is not bound by the panel's findings. Again, Council's options are to either abandon or adopt the amendment (with or without modifications).
6. If Council adopts the amendment, it is then referred to the Minister for Planning for approval.

The process required to amend the Glen Eira Planning Scheme is lengthy and provides opportunities for input from interested parties. With regard to the current proposal, Council is at Steps 5 and 6.

COMMUNICATION AND ENGAGEMENT

Council undertook a statutory engagement process, notifying over 251 residents and referral authorities by mail together with notices in the Age, local newspapers and the Government Gazette. All submitters will be notified of Council's decision and the Minister's decision regarding approval when this occurs.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme One: Liveable and Well Designed
A well planned City that is a great place to live.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Protecting and celebrating heritage and local character of Glen Eira is important. It is considered that the proposed Heritage Overlay complies with the strategic objectives of the *Glen Eira Planning Scheme*, including the protection of places of cultural heritage significance. This is not considered to be at the cost of other strategic objectives for Elsternwick. Housing diversity and other commercial uses can be achieved on this site, resulting in a positive impact on the Elsternwick activity centre. The former ABC TV Studios

at 8 Gordon Street Elsternwick are an important part of Glen Eira's cultural history. This assertion has been confirmed by the recommendations of the Panel. It is considered this Amendment is considered worthy of adoption subject to changes noted in this report and included in the attachments.



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 13 AUGUST 2019

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7.30pm**

Present

The Mayor, Councillor Jamie Hyams
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Margaret Esakoff
Councillor Jim Magee
Councillor Joel Silver
Councillor Dan Sztrajt

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1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

GLEN EIRA CITY COUNCIL RESPECTFULLY ACKNOWLEDGES THAT THE BOON WURRUNG PEOPLE OF THE KULIN NATION ARE THE TRADITIONAL OWNERS OF THE LAND NOW KNOWN AS GLEN EIRA. WE PAY OUR RESPECTS TO THEIR ELDERS PAST, PRESENT AND EMERGING AND ACKNOWLEDGE AND UPHOLD THEIR CONTINUING RELATIONSHIP TO AND RESPONSIBILITY FOR THIS LAND.

2. APOLOGIES

Moved: Cr Magee

Seconded: Cr Silver

That the apologies from Cr Davey and Delahunty be received and noted.

CARRIED UNANIMOUSLY

3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS

Oath of Office

The Mayor read the Oath of Office.

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act or any other Act, to the best of our skill and judgement.

Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Silver

Seconded: Cr Cade

That the minutes of the Ordinary Council Meeting held on 23 July 2019 be confirmed.

CARRIED UNANIMOUSLY**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

6. DOCUMENTS FOR SEALING

Nil

7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

8. REPORTS FROM COMMITTEES

8.1 Advisory Committees

8.1.1 ADVISORY COMMITTEE MINUTES

Moved: Cr Magee

Seconded: Cr Esakoff

That the minutes of the Advisory Committee meeting as shown below be received and noted and that the recommendations of the Committee be adopted.

1. 9 July 2019 – Community Grants Advisory Committee

CARRIED UNANIMOUSLY

8.2 Records of Assembly

8.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS

Moved: Cr Esakoff

Seconded: Cr Silver

That the Records of the Assemblies as shown below be received and noted.

1. 16 July 2018
2. 18 July 2019
3. 23 July 2019 (pre-meeting)

CARRIED UNANIMOUSLY

Public Participation

The Mayor advised that at this stage of the meeting, 15 minutes is allowed for public participation in accordance with clause 230(1) of the Glen Eira Local Law.

9. PRESENTATION OF OFFICER REPORTS

**9.1 PANEL REPORT
PLANNING SCHEME AMENDMENT C182GLEN
FORMER ABC TV STUDIOS, 8 GORDON STREET, ELSTERNWICK**

Moved: Cr Silver**Seconded: Cr Athanasopoulos**

That Council:

1. notes the report and recommendations of the Panel in relation to Amendment C182glen;
2. adopts Amendment C182glen generally in accordance with the recommendations of the Panel and in accordance with the attached documents;
3. includes within the Amendment documentation an additional Incorporated Document titled: *Former ABC TV Studios, 8 Gordon Street, Elsternwick Incorporated Plan, July 2019; and*
4. forwards Amendment C182glen to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*.
5. authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning and the Department of Environment, Land, Water and Planning, where the changes do not affect the purpose or intent of the Amendment.

CARRIED UNANIMOUSLY

9.2 FACTORY 317 NEERIM ROAD CARNEGIE

Moved: Cr Athanasopoulos**Seconded: Cr Silver**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-32736/2019 for construction of a five storey building comprising offices and dwellings and associated car parking Factory 317 Neerim Road, Carnegie, in accordance with the following conditions:

Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as 'Mixed Use Development 1/317 Neerim Road Carnegie', Project No. 1816, Sheets TP01-TP10, TP16 (all Revision A), dated 15/03/19, prepared by polystudio) but modified to show:
 - (a) A fine grain pattern (i.e. a less randomised block pattern) provided on the eastern and western elevations of the building.
 - (b) Notations on plans to demonstrate the provision of an amber warning signal system on the building adjacent to the Right of Way. The amber warning signal must be linked to the security gates and activated at the same time as the security gates. The gates and amber light must provide a warning of vehicles exiting the site.
 - (c) The provision of 2 convex mirrors in appropriate location to enable vehicles exiting the site to see any oncoming traffic on rear laneway with a note on the plans to this effect.

General requirements

2. The layout of the development as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.
3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
5. Before the building is occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.

Environmental investigations

6. Before the development starts, other than necessary demolition and investigation works forming the environmental site assessment process, an Environmental Assessment Report must be submitted to and approved by the Responsible Authority. The Environmental Assessment Report must be prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General Practice Note (Department of Sustainability & Environment June 2005) to the satisfaction of the Responsible Authority. The report must include recommendations as to whether the condition of the land is such that an Environmental Audit should be conducted taking into account the proposed uses. The owner/developer must comply with the findings of the site assessment to the satisfaction of the Responsible Authority, including if required the preparation of an environmental audit.
7. If, in accordance with condition 6, an Environmental Audit is required, then before the development starts (other than excavation as necessary) either:
 - (a) A Certificate of Environmental Audit for the land must be issued in accordance with section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or
 - (b) An Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.
8. Where a Statement of Environmental Audit is issued for the land in accordance with condition 7:
 - (a) the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority;
 - (b) prior to the commencement of the uses and buildings and works (other than excavation) and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify the directions and conditions contained in the Statement are satisfied; and
 - (c) where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. Where a section 173 Agreement is required, the Agreement must be executed before the development starts. All expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

Reports and Management Plans

9. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit.

The plan must be drawn to scale with dimensions and be generally in accordance with the plan submitted with the application identified as 'Waste Management Plan proposed development 317 Neerim Road Carnegie', dated 12 February 2019 and prepared by Leigh Design. The plan must show:

- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
 - (b) Designation of methods of collection including the need to provide for private services on site. This method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - (d) Details for best practice waste management once operating.
 - (e) Details of how the waste pick up will occur, having regard to the bus stop on Neerim Road and laneway entrance from Neerim Road.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
11. Before the development starts, including any demolition and excavation, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Construction Management Plan (CMP) must show:
- (a) Delivery and unloading points and expected frequency;
 - (b) Truck haulage routes, circulation spaces and queuing lanes;
 - (c) Details of how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Melbourne Montessori School. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
 - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
 - (g) Hours for construction activity in accordance with any other condition of this permit;
 - (h) Measures to control noise, dust, water and sediment laden runoff;
 - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

12. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved CMP to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
13. Before the development starts, an Environmentally Sustainable Design Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must outline how the development complies with the provisions of Clause 58 of the Glen Eira Planning Scheme. Any Environmentally Sustainable Design features within the report must be included and shown on the plans.
14. The provisions, recommendations and requirements of the endorsed Environmentally Sustainable Design Report must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
15. The proposal must be designed in accordance with current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.
16. Before the development is occupied a Car Stacker System Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Car Stacker System Management Plan must include, but not be limited to:
 - (a) Allocation of car spaces according to vehicle size and type;
 - (b) Ongoing maintenance of the car stacker system;
 - (c) Instructions to owners/occupiers about the operation of the car stacker system; and
 - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.
17. The operation and maintenance of the car stackers must be carried out and complied with in accordance with the approved Car Stacker System Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Car parking, access and Council assets

18. The car parking allocation for the approved development must be:
 - Not less than one car space per one or two bedroom dwelling;
 - Not less than two car spaces per three or more bedroom dwelling;
 - Not less than eight car spaces for the office space.
19. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) fully constructed;
 - (b) properly formed to such levels that may be used in accordance with the plans;

- (c) surfaced with an all-weather surface or seal coat (as appropriate);
- (d) drained and maintained in a continuously usable condition;
- (e) line marked to indicate each car space, loading bay and/or access lane;
- (f) clearly marked to show the direction of traffic along access lanes and driveways,

all to the satisfaction of the Responsible Authority.

- 20. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- 21. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

Permit expiry

- 22. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two years of the date of this permit.
 - (b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with section 69 of *Planning and Environment Act 1987*.

NOTES:

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the *Planning and Environment Act 1987*.

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

- C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme.
All matters relating to the boundary fences shall be in accordance with the provisions of the *Fences Act* 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- E. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- F. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- G. Council’s Asset Engineering Team advises:

Drainage

- The basement car park must be designed to avoid flooding.
- Engineering Services encourage the use of rainwater tanks for storage and reuse for toilet and irrigation purposes and/or stormwater detention systems.
- Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- All stormwater runoff must be connected to Council’s underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths is permitted.

General

- Any firefighting equipment for the building must be accommodated within title boundary. Submitted plans do not show the location of any fire services hydrant / booster. Firefighting facility as required under Building Act/Regulation must be within the subject land and not in the Council Road Reserve.
- Asset Protection Permit must be obtained from Council Engineering Services Department prior to the commencement of any building works. An application can be lodged at <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-protection-permit>

- To construct proposed vehicle crossing, vehicle crossing permit must be obtained by lodging application for vehicle crossing permit. Application can be lodged at : <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/vehicle-crossing-permit>
- To connect storm water discharge to the Council drainage network and any work in the road reserve, an Asset consent permit must be obtained. An application can be lodged at [:https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-consent-permit](https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-consent-permit)

CARRIED UNANIMOUSLY

9.3 LOCAL LAW REVIEW - OUTCOMES OF THE STATUTORY PUBLIC NOTICE AND SUBMISSION PROCESS

The Mayor invited the submitters who requested to speak in support of their submission to come forward when called.

1. Anne Preston
 2. Carolyn Eccleston
 3. David Rood
 4. Margetdw – Not present
 5. Bernadette Pierce – Not present
 6. Kate Forster spoke on her submission and on behalf of submitter 1 and submitter 27
 7. Bette Hatfield – Not present
 8. Kerry Gore
-

Moved: Cr Silver

Seconded: Cr Athanasopoulos

That Council:

1. notes that pursuant to Council's resolution, made at its Ordinary Meeting of Council on 11 June 2019, the proposed Local Laws have been on public exhibition for written submission as per the requirements of sections 119 and 223 of the Act for at least 28 days;
2. receives, hears and gives consideration to the public submissions made regarding the proposed Local Laws; and
3. notes that a further report on the proposed Local Laws will be presented at an Ordinary Meeting of Council before the expiry of the current Local Law on 24 November 2019.

CARRIED UNANIMOUSLY

It is recorded that Cr Sztrajt entered the meeting at 9.12pm.

Procedural Motion

Moved: Cr Athanasopoulos

Seconded: Cr Sztrajt

That Cr Silver be granted a four minute extension of speaking time.

CARRIED UNANIMOUSLY

The Mayor thanked members of the gallery for attending the meeting and to those who made a submission.

9.4 CHANGE IN KERBSIDE BIN COLLECTION FREQUENCY TRIAL

Moved: Cr Sztrajt**Seconded: Cr Cade**

That Council endorses a trial of weekly green bin collection and fortnightly garbage collection for 917 households in the McKinnon – Ormond area between October 2019 and May 2020.

CARRIED

9.5 BENTLEIGH AND CARNEGIE RESIDENTIAL HERITAGE

Moved: Cr Hyams**Seconded: Cr Athanasopoulos**

That Council:

1. adopts Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Residential) 2019 Stage 2 Report prepared by RBA Architects and Conservation Consultants Pty Ltd with the following amendments:
 - (a) remove 80 Mitchell Street, Bentleigh from the proposed extension to HO69 Bentleigh Residential Precinct;
 - (b) amend the citation to 56 Thomas Street, Brighton East to include relevant information provided by the owner of the site, where it can be substantiated by the Consultant; and
 - (c) undertake minor corrections and additions to the citation for HO69, Bentleigh Residential Precinct and the citation for the Alfred Halley residence at 178 Centre Road, Bentleigh as suggested within Submission 15 and detailed within this report. All changes are considered minor and do not alter the purpose or intent of the citation.
 - (d) retains 35 Campbell Street, Bentleigh as a non-contributory place in the HO69 Bentleigh Residential Precinct;
 2. adopts the citation: Former Methodist Church, 254 Neerim Road and 1A Toolambool Road, Carnegie prepared by Heritage Alliance;
 3. endorses the Proposed Amendment C190 to the Glen Eira Planning Scheme documentation for the purposes of seeking authorisation and public exhibition that incorporates the changes required under Part 1;
 4. seeks authorisation from the Minister for Planning to prepare and exhibit the Planning Scheme Amendment to implement the residential heritage review of Bentleigh and Carnegie;
 5. authorises Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning or the Department of Environment, Land, Water and Planning, in order to receive authorisation, where the changes do not affect the purpose or intent of the Amendment;
-

6. subject to receiving authorisation from the Minister for Planning, places the Amendment on public exhibition for a period of at least one month; and
7. request the Minister for Planning to prepare, adopt and approve a planning scheme amendment for Interim Heritage Overlays for the Bentleigh and Carnegie residential heritage areas while Proposed Amendment C190glen goes through the full Planning Scheme Amendment process.

Procedural Motion

Moved: Cr Athanasopoulos

Seconded: Cr Silver

That Cr Hyams be granted a one minute extension of speaking time.

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Silver

Seconded: Cr Athanasopoulos

That the meeting be extended to finish at 11pm.

CARRIED UNANIMOUSLY

The Motion Moved by Cr Hyams and Seconded by Cr Athanasopoulos was PUT
and **CARRIED UNANIMOUSLY**

9.6 COMMUNITY GRANT RECOMMENDATIONS 2019-2020

Moved: Cr Magee**Seconded: Cr Esakoff**

That Council endorses one Community Strengthening grant and five Partnership and Event grants as detailed in Attachment 1.

CARRIED UNANIMOUSLY

9.7 A COMMUNITY FOR ALL ABILITIES

Moved: Cr Magee**Seconded: Cr Athanasopoulos**

That Council instructs Officers to:

1. commence the detailed planning and implementation of the following five disability projects.
 - Project 1: All Abilities Career Advisor
 - Project 2: Horticultural Training
 - Project 3: Carers' Hub
 - Project 4: Disability Awareness
 - Project 5: Community Volunteers
2. develop an evaluation framework for all projects to assess the impact of the projects over the following three years.
3. present a further report in 12 months' time, which outlines the progress of each of the recommended projects.

It is recorded that Cr Athanasopoulos vacated the Chamber at 10:15pm and returned at 10.16pm.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos vacated the Chamber at 10:18pm.

It is recorded that Cr Esakoff vacated the Chamber at 10:19pm.

9.8 UPDATE ON HERITAGE PROJECTS WITHIN THE GLEN EIRA PLANNING SCHEME REVIEW WORK PLAN

Moved: Cr Silver

Seconded: Cr Magee

That Council:

1. notes the update of current heritage projects occurring in 2019;
2. in relation to all proposed heritage areas in the commercial areas of Bentleigh and Carnegie (where the areas are defined under Amendments C184glen & C185glen), resolves to make a request to the Minister for Planning to prepare, adopt and approve a planning scheme amendment for Interim Heritage Overlays;
3. in relation to other proposed heritage sites and areas which may be identified through the current heritage projects described in this report, authorises the Director Planning and Place, Manager City Futures and Manager Urban Planning to make a request to the Minister for Planning to prepare, adopt and approve a Planning Scheme Amendment for Interim Heritage Controls (including by exercising powers under section 20(4) of the *Planning and Environment Act 1987*), as follows:
 - a) a relevant heritage review and citation(s) for the heritage project has been prepared; or
 - b) a citation for an individual site or precinct has been prepared which demonstrates its significance and the individual site or precinct is under threat of demolition or substantial alteration through a request for demolition submitted to Council under Section 29A of the *Building Act 1993* or a planning application has been submitted that involves demolition or substantial alterations to buildings and/or works.

It is recorded that Cr Esakoff entered the Chamber at 10:23pm.

It is recorded that Cr Athanasopoulos entered the Chamber at 10:24pm.

CARRIED UNANIMOUSLY

9.9 VCAT WATCH

Moved: Cr Silver**Seconded: Cr Esakoff**

That Council notes the applications currently before the Victorian Civil and Administrative Tribunal (VCAT).

CARRIED UNANIMOUSLY

9.10 INSTRUMENTS FOR APPOINTMENT AND AUTHORISATION

Moved: Cr Silver**Seconded: Cr Cade**

That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* (Vic) and section 232 of the *Local Government Act 1989* (Vic) resolves that:

1. the staff members referred to in the attached Instruments be appointed and authorised as set out in the Instruments;
2. any existing Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* to the staff members referred to in the attached Instruments be revoked effective immediately upon the Instruments referred to in the paragraph numbered 1 above coming into effect; and
3. the Instruments be signed and sealed

CARRIED UNANIMOUSLY

9.11 QUARTERLY SERVICE PERFORMANCE REPORT

Moved: Cr Magee**Seconded: Cr Cade**

That Council notes the Quarterly Service Performance Report for the period ending June 2019.

CARRIED UNANIMOUSLY

9.12 SUSTAINABILITY EDUCATION IN SCHOOLS

Moved: Cr Athanasopoulos**Seconded: Cr Sztrajt**

That this item be deferred to the 3 September 2019 Ordinary Meeting of Council.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS**11. ORDINARY BUSINESS****11.1 Requests for reports from Officers**

Nil

11.2 Right of reply

Nil

11.3 Councillor questions

Nil

11.4 Public questions to Council

1. Simone Zmood – Caulfield North

Will Council commit to meeting its obligations in accordance with its legislative obligations with its legislative obligations and its Community Engagement Policy by allowing the community to give their opinion on all four of the proposed safe cycling corridor routes following the public release of the report currently designated for the 3 September Council meeting? If not, why not?

Response:

I can reassure you that Council is committed to ongoing and widespread engagement with our community and stakeholders on the Safe Cycling Corridor Pilot project and on the route options. The Corridor Assessment Report that will be presented to Council on 3 September will be publicly released with the opportunity for the community to share their views with us on all four routes. We will make sure that people are aware of the opportunity to provide feedback through a range of methods including in Glen Eira News, on social media, via notification on our Have Your Say page, by direct email to subscribers of the project and by direct mail to potentially affected households.

12. CONSIDERATION OF IN CAMERA ITEMS

Nil

13. CLOSURE OF MEETING

The meeting closed at 10.38pm.

Confirmed this 3 day of September 2019

Chairperson.....